



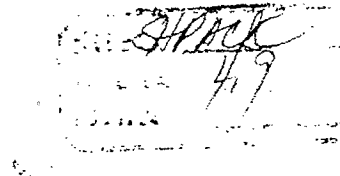
City Of Attleboro, Massachusetts

OFFICE OF THE MUNICIPAL COUNCIL
Government Center, 77 Park Street
Attleboro, Massachusetts 02703
508-223-2222 • Fax 508-222-3046

August 24, 2004

Certified Mail
Return Receipt Requested

Mr. David O. Lederer
United States EPA - Region I
One Congress Street
Suite 1100 (HBO)
Boston, MA 02114 - 2023



RE: Shpack Superfund Site Remedial Action Plan Proposal

Dear Mr. Lederer:

As President of the Attleboro Municipal Council, I am along with my colleagues, Councilors Peter Blais, Robert Schoch, Carolyn Tedino, Kate Jackson, Frank Cook, Brian Kirby, George Ross and Kim Allard writing in support of the EPA Region. We preferred cleanup alternative (plan SC-2B) for the Shpack Superfund Site as presented by EPA, Region I, at the public hearing held on 4 August 2004.

After reviewing the overview handout distributed by EPA at the public hearing, and as a City official concerned with the health and safety of our residents, the environment in which they live, and the economic well-being of our business community, we concur that SC- 2B, rather than SC-3B, is the right choice to insure protection of human health, safety and the environment, and to do so in a cost effective manner. We have come to this conclusion based upon the following points:

As both SC-2B and SC-3B are protective of human health and the environment and comply with Applicable or Relevant and Appropriate Requirements (ARARs), and,

As EPA has a long standing precedent for preferring consolidation and capping at Superfund landfill sites (*Presumptive Remedy for CERCLA Municipal Landfill Sites*, EPA Guidance, 1993), including over 50 sites in New England and more than a dozen in Massachusetts alone, and

As "presumptive remedies" are preferred technologies for common categories of sites and can be expected to be applied at all appropriate sites unless unusual site-specific circumstances exist, and

SDMS DocID 000213816



As, after removal and off-site disposal of approximately 10,500 cubic yards of soil containing radiological contaminants of concern above the cleanup levels, and approximately 2250 cubic yards of dioxin and PCB contaminated sediment the Shpack Superfund Site will not exhibit "unusual site-specific circumstances", and

As EPA guidance notes the CERCLA and NCP requires that a selected remedy must be cost-effective, and

As both SC-2B and SC-3B are deemed protective, but SC-2B at an estimated cost of \$28.1 Million is also cost-effective, while SC-3B, at a estimated cost of \$55.6 Million is unnecessarily expensive, and

As many of our local businesses, large and small, will likely be brought into the existing Potentially Responsible Party (PRP) group as new members at a time when many are struggling economically to compete with off-shore low cost labor, and

As SC-3B will necessitate the trucking of thousands more cubic yards of contaminated soils over local roads whether in Attleboro or Norton, incurring not only added cost, but increased heavy truck traffic, wear and tear on roads and potential risk , and

As both the EPA and the MADEP have found SC-2B to be the preferred remedy,

We support the EPA and MADEP preferred choice - SC-2B as the proper remedial action plan for application at the Shpack Superfund Site.

Very truly yours,

Barry K. LaCasse,
President



City Of Attleboro, Massachusetts

HEALTH DEPARTMENT

Government Center, 77 Park Street
Attleboro, Massachusetts 02703-2355
508-223-2222 • Fax 508-222-3046

Christopher M. Quinn, M.D.
Health Officer

James P. Mooney, C.H.O.
Health Agent

Charles E. Flanagan
Deputy Health Agent

Jacqueline Joyal O'Brien, RN
Public Health Nurse

Nancy Daday
Solid Waste Administrator

SHP Ack
4/9

August 23, 2004

Mr. Dave Lederer
US EPA
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114

Re: Written Comment on Proposed Cleanup Plan
Shpack Landfill Superfund Site
Norton, MA 02766

Dear Mr. Lederer:

After reviewing both clean up proposals the Attleboro Health Department supports proposal SC-2B and acknowledges that the clean up will provide both short-term and long-term protection of human health and the environment. The proposal does attain all federal and state applicable environmental requirements by reducing the volume and morbidity of contaminated soil and sediment while also providing permanent solutions by removing all radioactive waste, dioxin and PCB-contaminated material from the site. The acceptable proposal will eliminate exposure from the contaminated materials to the public by consolidating the remaining material beneath a multilayer cap.

The Department further recognizes the importance of providing public water service to the two identified polluted residential wells at 59 and 68 Union Street, in Norton, adjacent to the Shpack dump. However, a review of the proposed water line extension from Norton to these residents falls short in fully protecting the public health by not addressing the two contaminated wells in Attleboro located at 77 and 100 Peckham Streets.

SDMS DocID 000213817



The proposed 4000 foot extension of the water line down Union Street (in Norton) under railroad line at a projected cost of \$630,000.00 could be equally accomplished by extending Attleboro water line 4200 feet down Peckham Street to the residential units on Union Street, Norton.

By eliminating the \$125,000.00 cost of sending Norton's water service under the railroad line, and allowing for an eight inch service line it is reasonable to assume a savings while providing relief for the two contaminated residential wells in Attleboro.

Both Mayor Kevin Dumas and acting superintendent Mike Burgess have indicated their support for the water line extension.

Your review of this proposal is appreciated.

Sincerely,



Christopher Quinn, MD,
Health Officer

James Mooney
Health Agent





City Of Attleboro, Massachusetts

OFFICE OF THE MUNICIPAL COUNCIL
Government Center, 77 Park Street
Attleboro, Massachusetts 02703
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SHPACK
4.9

August 24, 2004

Dave Lederer
U.S. EPA
1 Congress Street
Suite 1100(HBO)
Boston, Ma. 02114

Dear Mr. Lederer,

As an Elccted Official, representing the entire City of Attleboro as an At-Large City Councilor, I implore the acceptance and immediate implantation of EPA proposed plan SC-2B!

Not only is SC-2B protective and cost effective, it is ready to be implemented! This problem began in 1946, informed as a possible site of buried contamination in 1978, addressed by the D.O.E. in 1980, and for the last 24 years, more than a generation if interest, study, identification, and potential Clean up have occurred. What affects have these contaminants had on residents health for the past 58 years? How many more generations must be put at risk before action is taken?

Let's not delay Clean Up any longer!

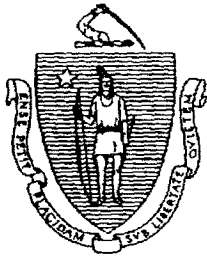
Advocates can still pursue further action, study and funding, but lets not delay known contaminates from being removed any longer!

Thank you for your attention of this matter,

Walter J. Thibodeau
Walter J. Thibodeau
Attleboro City Council
Councilor At-Large
8 Liberty Drive
South Attleboro, Ma.
0270508-399-6549

SDMS DocID 000213818





THE COMMONWEALTH OF MASSACHUSETTS

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1020

SHPACK
4.9

August 23, 2004

Mr. Dave Lederer
U.S. EPA
1 Congress Street, Suite 1100 (HBO)
Boston, MA 02114

Re: Written Comment on Proposed Cleanup Plan
Shpack Landfill Superfund Site
Norton, MA 02766

Dear Mr. Lederer:

The Shpack Landfill Superfund Site has been thoroughly studied by the Environmental Protection Agency over a number of years. I support their conclusion that alternative solution SC-2B is the most appropriate cleanup plan. The Massachusetts Department of Environmental Protection also supports this conclusion.

Removing the most harmful substances and capping the remainder is a solution that will allow for recreational usage for the site. This is a remedy that has been used successfully in Attleboro both at Finberg Field and more recently at the Balfour River Walk.

Alternative SC-2B avoids the inherent dangers associated with trucking much more material off site. Capping the site will avoid additional public safety traffic concerns and public health hazards resulting from airborne contaminants that are associated with removal of more materials from the site.

The greater cost associated with completely removing all tainted soil and materials are not insignificant. Undoubtedly, there would be an attempt to apportion the cost among numerous additional private and public parties including the Town of Norton and the City of Attleboro. Such an attempt would not go without legal challenge that would further delay and adequate cleanup process for years to come.

SDMS DocID 000213819



I also support the Attleboro Health Department's proposal to extend public water service from Attleboro to homes with polluted wells on Peckham Street in Attleboro and Union Street in Norton. As a result of extending water line from Attleboro you reach the polluted wells in both communities rather than just in Norton. You also save \$125,000 because the water line does not have to be extended under the railroad tracks.

Your time and consideration in this matter is greatly appreciated.

Sincerely,

Representative John A. Lepper
Assistant Minority Whip
Second Bristol District

August 20, 2004

Site:	Shpack
Access:	10/
Owner:	1/

Heather A. Graf

Comments To EPA On Proposed Plan For Cleanup Of The Shpack Superfund Site
From The Ad Hoc Shpack Technical Committee

The Ad Hoc Shpack Technical Committee was appointed in July 2002, by the Norton Board of Selectmen, to work with the US Army Corps of Engineers on Re Use Scenarios for the Shpack Superfund Site

Members of the committee:

Jim Brown, Norton Board of Selectmen
Jennifer Carlino, Norton Conservation Director
Lt. Paul Schleicher, Norton Fire & Rescue
Fred Watson, Norton Board of Health
Jeffrey Allen, Norton Resident/Environmental Engineer
Rosemary Dolan, Norton Resident/RN
Heather Graf, Norton Resident (30 years)/ Coordinator Citizens Advisory Shpack Team
Colleen Hussey, Norton Resident/Attorney
Dr Richard Krumm, Norton Resident/Member CAST
Edwin Madera, Attleboro Resident/ Engineer
Ron O'Reilly, Norton Resident (30 years)/ Member Norton Conservation Commission,
Assistant Coordinator CAST
Ken Sejkora, Norton Resident/ Environmental Engineer, Nuclear Power Plant

The committee held meetings between August 27, 2002 and January 27, 2003. Present for these meetings were: the Project Manager for the Army Corps of Engineers, representatives from the US ACE consulting group – Cabrera Services, a representative from the Massachusetts Department of Environmental Protection Agency, and Project Manager for the United States Environmental Protection Agency – Dave Lederer.

At the first meeting the purpose and goals were outlined for the committee. It was stated that the future use model scenario(s) chosen by the Corps would dictate the level of cleanup at the site of the radiological contaminants.

Model scenarios went from the most conservative – Residential Use, to the most liberal – Passive Recreation III, with two other passive recreation uses in between. It was emphasized that the committee should consider future uses that would be considered "Reasonable".

After the committee had met on five occasions, with members having volunteered a considerable amount of time (away from their jobs), having engaged in a great deal of discussion and a concerted effort by all to reach agreement, the Reuse Scenario for the Site was selected. It was Passive Recreation II. This model assumed - That the site would be maintained by the Norton Conservation Commission, for the Town of Norton, as Open Space Conservation Land.

SDMS DocID 000213820



The Use - Passive Recreation II - Assumes persons on site - hiking & camping (including digging on site latrines), gathering of plant foods (i.e. - berries, grapes etc.), hunting, trapping, & harvesting of aquatic foods (including, but not limited to - fish, snails, mollusks, crustaceans, frogs, eels, turtles & other reptiles). Without an on site well or community gardens.

Exposure pathways: Inhalation - dust & volatile chemicals, Ingestion - plant (natural), soil, meat & aquatic foods (as described above), External exposure - dermal absorption from soil & water contact.

All passive recreation models assume the average amount of time spent on site to be approximately 250 hours per person, per year.

This Re Use Model chosen by the committee was accepted by the Project Manager for the Army Corps of Engineers and their consultants (Cabrera Services) - who had educated the committee and worked with its members in the Reuse Selection Process.

It should be noted here that the Project Manager for the EPA did attend all the joint meetings between the Corps & Cabrera and the committee. The only input from Dave Lederer, EPA's PM was a letter to me (as chairperson of the committee) dated November 1, 2002 requesting that I clarify for committee members references made by Cabrera in their presentation at the October 21, 2002 meeting. (For letter - See Attachment Page 5) Please explain the rationale for this letter.

At the time, it did not appear to be a bad omen. Especially since Mr. Lederer consistently maintained that, if anything, EPA's standards were higher/ stricter than the Corps. Therefore, we could expect a greater level of cleanup would be demanded by the US Environmental Protection Agency - in their plan for remediation of the Shpack Superfund Site.

Based on EPA's Proposed Plan, it is now apparent that these statements were not only misleading, but false.

Having been fully engaged in this process, with EPA & the Corps for 4 & ½ years, working closely with the project managers (and in the case of the ACE - their consultant, Cabrera), I felt confident I was well informed, as did others who attended the 13 public meetings in Norton from February 1, 2000 to November 20, 2003.

The presentation from Mr. Lederer was consistent throughout. First the Army Corps would excavate and dispose of (off site) all the radiological waste. Then the EPA (after negotiations with the PRP Group) would move to Phase II - that being to clean up the rest of the mess (volatile, inorganic & organic compounds, carcinogenic chemicals and heavy metals (including arsenic).

While I do not recall there being any written commitment to off site disposal of the chemical & heavy metal waste, neither did the EPA PM ever utter the word "CAP", that is until the 11th hour in June 2004, when the EPA's "consolidate & cover" proposal (leaving the contaminants on site) came to light for the first time and was announced as their plan.

The only time the word "CAP" was used, it was by the Project Manager for the Corps, and I'm sure Mr. Lederer will recall (if he allows himself to) the reaction that received. We pounced on the ACE PM for even mentioning the word relative to the Shpack Site.

Was the EPA forthright in its dealings with the community? NO.

In 4 & ½ years time and 13 public meetings, did the EPA Project Manager discuss the various options that would be considered for their end of the cleanup deal? NO.

Did the Environmental Protection Agency even factor in the intended Re Use of the site, as the Army Corps had done? NO. Was the EPA fully aware of what the Town of Norton's intended use was for the Shpack Superfund Site, after cleanup? YES.

According to the Environmental Protection Agency's directive - "Land use in the CERCLA (Superfund) Remedy Selection Process" 5/25/95 "The EPA believes that early community involvement, with a particular focus on the community's future uses of the property should result in a more democratic decision-making process: greater community support for remedies selected as a result of this process; and more expedited, cost-effective cleanups."

The Superfund Land Use Directive states that in cases where future land use is relatively certain, the remedial action objective(s) generally should reflect this land use."

Further - "EPA is responsible for ensuring that reasonable assumptions regarding land use are considered in the selection of a response action."

With regard to the Shpack Superfund Site, the Environmental Protection Agency has totally ignored its own stated objectives and directives. Why?

The short answer to what has gone terribly awry here is - We were duped, either intentionally over a long period of time, or suddenly when it came time to crunch the numbers and deal with the cost (in both time & money) - to finally rid the EPA of this decades old embarrassing site, and de-list it in this fiscal year.

It appears that somewhere along the line, or perhaps from the get go, The EPA bailed out on its commitment to the Town of Norton, in favor of a plan that the Shpack Steering Committee (PRP Group) would endorse.

Although "Community Acceptance" is supposed to be at least a part of the modifying criteria for EPA's selection of a response action, PRP acceptance is not listed as a criteria item at all.

What led the Environmental Protection Agency in this direction?

Was the EPA afraid that if they sought a decent (costlier) level of cleanup, that some or all of the six PRP companies might "Walk", forcing EPA to pursue court action?

Come on... \$50 million is not an unreasonable sum to expect these companies (Texaco, Conoco, Texas Instruments, Waste Management, Swank, and Handy & Harman) to "pony up" for remediation of the Shpack Superfund Site.

So... a little negotiation would be in order. We were always led to believe this would need to occur, and take perhaps a year or two.

Negotiations? Members of the Shpack Steering Committee must be jumping for joy over EPA's SC-2b Plan. It is the quickest, easiest, least costly proposal of any, that could be considered a reasonable option.

Was the \$28.1 option also EPA's Preferred Alternative in order to avoid the extra step of approval from EPA's National Headquarters in Washington DC (necessary for a cleanup projected to cost over \$30 million)? That sounds extremely adolescent. Certainly, having Congressman Barney Frank, as well as Senators Edward Kennedy & John Kerry in our court, could (and will) simplify matters there.

Please address these questions/issues and try to make a legitimate case for EPA's Preferred Alternative SC-2b.

And please do not just repeat the lame excuse that this option will in fact provide "both short and long term protection of human health and the environment."
Or at the very least – explain in detail how EPA can justify this position.

All things considered, we do not believe the US Environmental Protection Agency can make an adequate case to defend their choice of the SC-2b Alternative as an acceptable Response Action or substantiate claims that the SC-3b Cleanup is not warranted for the Shpack Superfund Site.

Heather A. Graf, ~~Chairperson~~
Ad Hoc Shpack Technical Committee

August 25, 2004
Heather A. Graf, Citizens Activist
229 N. Worcester St.
Norton, MA 02766
Ph. (508) 226 - 0898
FAX (508) 226 - 2835

Site:	SHPACK
Break:	4/9
Other:	

Dave Lederer
US EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

Comments On EPA's Proposed Plan For The Shpack Superfund Site -

Personal -

My husband & I have lived in Norton for 30 years. Our home is a little over two miles from the Shpack Site, so the term NIMBY is not applicable.

Town of Norton's Resolve -

Cleanup of this site is not a neighborhood issue. This toxic waste dump is a menace that has plagued the Town of Norton for 26 years, since radioactive waste was discovered there in 1978.

Residents of the town are united and steadfast in their opposition to the Environmental Protection Agency's "Preferred Alternative, SC-2b", and adamant in demanding the SC-3b Alternative be selected in EPA's Record of Decision (ROD), for cleanup of the Shpack Superfund Site.

Be assured, as was stated at EPA's Public Hearing on August 4, 2004 - when Robert Kimball (Chairman of the Norton Board of Selectmen) read the "Position Paper For The Town of Norton" - "Neither the EPA nor the PRP Group should underestimate Norton's resolve. We will exhaust all regulatory, political, and legal means possible to effect the SC-3b solution."

Political Support -

On the political level the Town of Norton has the support of Congressman Barney Frank, State Senator JoAnn Sprague, State Representatives Mike Coppola, Betty Poirier & Phil Travis (all of whom testified at the August 4, 2004 Public Hearing and submitted responses in writing as well).

Legal Aid -

To our advantage, the same attorney who has been on the Shpack case since the beginning, is still working for the firm which is under contract as Norton's Town Counsel.

SDMS DocID 000213821



War Chest –

The Town of Norton is adding funds to the Shpack Legal Account to create a war chest, should we be forced into a legal battle with the EPA, members of the PRP Group, or any other entity, which would try to deny the Town its right to the SC-3b Remedy of the Shpack Superfund Site.

We will also be prepared to engage any adversary in a dispute over the Town of Norton's responsibility to contribute funds for Phase II – the cleanup of the Shpack Site.

The Town's resolve to effect the SC-3b Solution will not be compromised by threats from anyone - that if Norton insists upon the higher level of cleanup, the Town will be slapped with the burden of sharing the cost of that cleanup.

PRP List –

Contrary to testimony at the August 4, 2004 Public Hearing, by Attleboro's Health Agent, Jim Mooney – The Town of Norton did not ever dump materials/ waste at the Shpack Dump. Isadore Shpack would accept anything from anyone - in an attempt to fill his wetland property for use as an apple orchard (which by the way he never achieved, getting only so far as raising chickens!), and obviously some Norton residents took advantage of a neighborhood dump to get rid of their trash. That does not make the Town of Norton culpable, any more than the Town of Rehobeth, if some of its residents took unwanted materials to the Shpack Dump.

In June 1981, at the urging of the US Department Of Energy (DOE), the Town of Norton did purchase from Lea Shpack (widow of Isadore, who died February 1, 1979), the parcel of land in Norton. The \$8,000 for the transfer of the property was provided to the Town by Texas Instruments (TI) – the major contributor to contamination at the Shpack Site.

Mrs. Shpack had wisely refused to lease the property to the Department of Energy, she insisted on selling (unloading) it. DOE convinced the Town that cleanup would be easier to accomplish if the site were publicly, rather than privately owned. Norton agreed to accept title to the property in the spirit of cooperation with the Department of Energy, to facilitate the remediation process. The agreement did include a clause that the Town was not responsible for the contamination of Shpack.

According to the Environmental Protection Agency's spokesman at the time, and reiterated by EPA's current Project Manager – Norton was on the PRP list because Superfund regulations require the owner of the property be named.

Residents of the Town of Norton have already endured far too much. The citizens of this community have paid dearly for a highly contaminated toxic waste site - a monster that they had no part in creating.

The "R" in PRP stands for "Responsible". The Town of Norton, while being perhaps the only member of the group acting "responsibly"(as in good conscience) clearly was not and is not - responsible for contamination of the Shpack Site.

Municipal Disputes –

According to Mr. Mooney, Attleboro (the only person at the Public Hearing to speak in favor of EPA's Preferred Alternative), the contamination on the 2 & 1/2 to 3- acre portion of the Shpack Superfund Site which lies in Attleboro - is not very contaminated.

Apparently the Attleboro Health Agent has not read reports by Cabrera Services (Consultant for the US Army Corps of Engineers). The part of the Shpack site in Attleboro, at the border with Attleboro Landfill Inc. (ALI) is highly contaminated. Also Mr. Mooney stated that the City of Attleboro does not care if the portion of Shpack within their city limits – gets cleaned up at all. Just covering it sounds fine, because Attleboro has no intention of using the land. I'm not sure who Mr. Mooney is speaking for here. Perhaps, with the Title of Health Agent, dealing with a new mayor and city councilors - who know little, if anything about Shpack, he has convinced some city officials to accept this ridiculous position.

While I understand EPA must consider comments from Mr. Mooney, the same as from the Norton Board of Health, and responses from Attleboro residents, the same as from those of us in Norton, keep in mind 6 of the 9 acres are in Norton. The majority of residents affected by Shpack are in Norton. The stigma of the Shpack Superfund Site has always been Norton's. The burden of protecting the community from the negative impacts of Shpack has been Norton's. When EPA considers "Community Acceptance" - it must be weighted to favor the Town of Norton.

Also in a discussion with Garth Patterson (Congressman Barney Frank's Office), we agreed that a Superfund Site must be treated equally, all together as one. You cannot draw a line in the sand (or swamp) at the Town/City Line.

Cleanup –

At least verbally, at a preview of the Environmental Protection Agency's Preferred Alternative, prior to the June 23, 2004 Public Meeting, it was stated by a spokesperson for EPA that a reason for not going with a higher level of cleanup was – because there is migration from ALI into Shpack. So... If EPA has a barrel filled to the brim with contaminated material, it should not be emptied, because there will likely be some more bad stuff leaking into the barrel? Explain the logic in this.

Cleanup Cost –

It should be obvious that the Army Corps of Engineers will be doing the lion's share of the cleanup at Shpack. "The spot is riddled with red dots, like a bad case of the measles." (Red dots indicating radioactive waste). In professional terms – The radiological waste is heterogeneously spread over the site. Also, for most of the site – the materials are not separated between Rad. and Chemical/Heavy metals. It is all mixed up. When ACE excavates and disposes of (off site) all the radiological waste, they will be taking with them much of the contaminated soil that was supposed to be the responsibility of the EPA/PRP Group to clean up.

Also there will be little, if any, "Commingled Waste" for EPA/PRP Group to deal with. The estimates by ERM (consultant for the Shpack Steering Committee, AKA – PRP Group) of the amount of material that will be left for the PRPs to remove are exaggerated. And so are the estimated cost because it is figured as if the material is "Commingled Waste". Disposal fees are significantly higher for Commingled Waste.

Even if the Army Corps could take away only the radiological material, the fact is this agency of the US Government is assuming the responsibility of removing TI's contaminants.

Water Main –

EPA's plan is to extend the town water main down Union Road to get the two houses closest to Shpack off well water, so the level of cleanup can be significantly reduced. The cost of this water main is minimal, compared with the \$70 million it saves between Norton's Preferred Alternative SC-3b (at approx. \$50 million) and the highest level of cleanup considered (at approx. \$116 million).

Representatives for the Town of Norton – Bob Kimball (CH. Norton BOS) and myself, at the preview of EPA's Propsed Plan in June 2004, agreed upon what we thought was a very reasonable position: Accept the water main, do not insist on a level of cleanup which included groundwater, compromise and settle for the \$50 million (middle of the road) alternative, which would dispose of all contaminated soil off site.

In hindsight, perhaps we should not have been so agreeable. By setting our sights and goal at a lower level, EPA thought they could get away with the SC-2b "Consolidate & Cap Plan". Be advised we will not be so naïve again.

We do see potential problems with the extension of the water main, that being in increased development along Union Road near the Shpack Site. While EPA has proposed "Institutional Controls" under their SC -2b plan, they cannot regulate development surrounding the site. And while the Town can change zoning, to perhaps Heavy Industrial, that would not decrease (in fact might increase) the number of individuals coming to the area. In any case, a zoning change can be reversed at Town Meeting by a simple 2/3 majority vote.

Contaminants at the Shpack Superfund Site –

According to a 3/20/80 article in the Norton patriot – "Health Inspector Joseph Grimaldi reported there are 200-300 barrels of PVC buried between two points on the site."

Reportedly, the PVC is residue from the Thompson Chemical fire which destroyed the company in 1964. An abutter to the property – Louis Tetreault claims that the PVC was poured on the site and later burned off.

According to a Sun Chronicle article 8/5/80 "While attention has been on the survey for "hot spots" at the Shpack property recently, (US Rep..Margaret) Heckler said she has been told by a US DOE official that any danger from radiation was "one millionth" the potential hazard from chemical wastes in the dumping areas."

We do know that chemicals have a greater capacity to migrate in groundwater.

Contaminants at Shpack See Attachment A

Other than some PCBs & Dioxin, which EPA proposes to remove from the site, and the radiological waste the ACE will take away, given this horror list of toxic substances, some known carcinogens - (Attachment A), does the EPA still maintain that their SC-2b (Consolidate & Cover) Plan will in fact provide an acceptable level of protection for human health and the environment?

EPA's Record of Community Involvement -

The first meeting with EPA, ACE, DEP officials and representatives of the Town of Norton was held December 20, 1999 (five days before Christmas). Could EPA - "The Lead Agency for the Cleanup of the Shpack Superfund Site" have chosen a more perfect time to ensure no one would give a damn about Shpack? Surprise, some of us did. Then there was the scheduling of the public meeting, to finally after 4 & ½ years advise Norton residents of EPA's ill advised Plan - June 23, 2004 (days after school recessed for summer break). And the setting of the Public Hearing for August 4, 2004 (in a steamy school cafeteria) - to deflect interest by any other than the very most hardy souls. The public comment period from June 24 - August 25 couldn't be much worse. Does anyone, other than Heather Graf, not take at least one weeks vacation during that period? How many individuals are going to spend any time trying to review EPA's Shpack Plan, (such a tedious task) during the summer months? And even for the willing, the material is so voluminous, almost no one could do more than scan it. Even our expert Conservation Director - Jennifer Carlino, was hard pressed to respond to even the Feasibility Study. Forget about reviewing the 229 page text of the "Draft Baseline Ecological Risk Assessment", prepared by EPA's consultant - Metcalf & Eddy, dated June 14, 2004. In addition to the 229 page text there are Figures, Tables & 3 Appendices - the volume is 5 & 1/4 inches thick!

As for the 3 discs provided with the box loads of written material - the table of contents on the discs is done in CODE.

The designations of alternatives: the EPA's favorite SC-2b and Norton's preferred plan SC-3b were so similar, as to be totally confusing when trying to separate the two.

The power point presentation at the June 23, 2004 public meeting - with miniscule white letters on black boxes was pathetic. One needed a magnifying glass to read what was printed on the handouts. Try to copy - and use up an ink cartridge. Don't even think about FAXING! And the 12 page Proposed Plan handout was the most discombobulated of any paper I have ever reviewed.

Whether in their timing or presentations, the US Environmental Protection Agency has demonstrated an uncanny ability to make the process the least user friendly, the most difficult & frustrating, and I do believe this was intentional.

August 25, 2004

H. Graf to D. Lederer

Page 6 (Final)

At the introduction to the Public Hearing August 4, 2004, the EPA's Hearing Officer – Susan Studlien said the hearing was being conducted to receive testimony on The Proposed REMEDY For the Shpack Superfund Site. The SC-2b Plan is not a REMEDY!

If the US Environmental Protection Agency insists on the SC-2b Plan, it will be apparent that the name of your agency is an oxymoron.

Heather A. Graf

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+ Appendix A (2 pages)
+ Appendix B (11 pages)

Appendix A

CONTAMINANTS , SHPACK & ALI (ATTLEBORO LANDFILL INC.)

Nuclear Regulatory Commission / November 1978 SHPACK

Principal Radioactive Compounds Above Natural Background Levels:

Uranium - 234, Uranium - 235, Uranium - 238

Radium - 226

Department Of Environmental Quality Engineering / March 1980 SHPACK

Elevated Levels Of Heavy Metals In Soil:

Lead, Arsenic, Chromium, Copper, Cadmium, Nickel, Zinc

Department Of Environmental Quality Engineering / November 1980 SHPACK

Chemicals Detected In Groundwater Above EPA Maximum Contamination Level For Drinking Water:

1,2-dichloroethylene, trichloroethylene, tetrachloroethylene

US Environmental Protection Agency / May 1982 SHPACK

Soil & Groundwater - Several Volatile Organic Priority Pollutants Detected

US EPA & Roy F. Weston Technical Assistance Team / August 1989 SHPACK

Presence Of Chemicals In Surface Water Samples At Concentrations Exceeding "EPA Ambient Water Quality Criteria For Protection Of Human Health":

Vinyl chloride, benzene, 1,2-dichloroethene, aroclor - 1248

US EPA & Weston / November 1989 SHPACK

Soil Samples Confirmed Presence Of :

Volatile Organic Compounds, Semi-volatile Organic Compounds, Polychlorinated Biphenyls (PCBs)

DUMPED ON SITE SHPACK, 1946 - 1966:

Waste Oil, Degreasing Solvents, Iron, Cyanide, Heavy Metals, Precious Metal Refining

Waste, Resins, Organics, Depleted Uranium, Vinyl Chloride

GHR ENGINEERS OF NEW BEDFORD / March 25, 1980

SHPACK & ATTLEBORO LANDFILL (ALI)

Samples Collected From 10 Observation Wells On ALI Property On Peckham St., Plus 2 Samples Of Contaminated Soil From Older Landfill Northeast Of Present Landfill (SHPACK):

15 Volatile Chemicals Were Detected In One Or More Observation Wells. "Eight Of The Volatile Organics : Vinyl chloride, Chloroform, 1,2 - Dichloroethylene, Methylene Chloride, Bromodichloromethane, Trichloroethylene, Benzene & Tetrachloroethylene Exceed Human Health Criteria."

"These Volatile Organic Compounds Are Considered To Be Potential Carcinogens If Consumed In Drinking Water, Fish Or Shellfish."

Appendix A

pg. 2

PAGE 2

GHR ENGINEERS / March 25, 1980 (Continued)

"If A Chemical Is Suspected Of Being A Human Carcinogen, There Is No Recognized Safe Concentration In Drinking Water Or Food Which Will Provide Absolute Protection Of Human Health Except Zero."

Norton Patriot 7/19/79

The Norton Patriot, July 19, 1979

3

Appendix B

4 Pages

Illustrations



DEBRIS. A report issued by the NRC confirmed that TI dumped industrial waste at the Shpack property on Union Road. Radioactive materials were also discovered at the site. Patriot photo by Ron Baptista.

Sun Chronicle 6/27/80

6 The Sun Chronicle, Friday, June 27, 1980



Testing

Norton and state officials take water samples from Chartley Pond, Norton, in search for traces of possible radioactive contamination from the Schpack dump property. From left are David Opatka, Norton conservation director; Robert Fagan (kneeling) of the state Department of Public Health; Gary Keegan, state engineer, and Norton Health Agent Joseph Grimaldi.

(Photo by Frank Adams)

Sun Chronicle 7/26/80 pg. 2



At landfill

Charles Eradrick of the Oak Ridge National Laboratory crew uses probe to check for surface radiation on Attleboro Landfill Inc. land Friday.

(Photo by Frank Adams)

Sun Chronicle 10/7/80



Taking sample

Workers on the team hired by the U.S. Department of Energy to determine the extent of radioactive contamination at the Shpack property in Norton Monday take a ground water sample from the site. Sample was taken by lowering a water collector into a hollow drill bit drilled four feet into the earth.

(Photo by Leo Peloquin)

August 24, 2004

Certified Mail
Return Receipt Requested

Mr. David O. Lederer
United States EPA – Region I
One Congress Street,
Boston, MA 02114-2023

SHPACK
4.9

RE: Comments on Proposed Remedial Action Plan
Shpack Superfund Site
Norton/Attleboro, Massachusetts

Dear Mr. Lederer,

As the Chairman of the Shpack Steering Committee,¹ please accept this letter providing comments on the United States Environmental Protection Agency ("EPA") Proposed Plan for the Shpack Landfill Superfund Site in Norton and Attleboro, Massachusetts (the "Site") dated June 2004. The Shpack Steering Committee endorses EPA's selected remedy as documented in the Proposed Plan for the Site using **Alternative SC-2B** (the "Preferred Alternative") that includes both (1) excavation of PCB, dioxin and radiological material and (2) consolidation of residual materials that pose little or low level risk beneath an onsite multi-barrier landfill cap. The Steering Committee endorsement is based on the fact that the Preferred Alternative is distinctly superior when compared to the other alternatives evaluated pursuant to EPA's nine remedy selection criteria. In this letter, we will set forth in greater detail the analysis supporting this conclusion.

VISION FOR THE FUTURE

At the outset, we wanted to highlight the community benefits to be derived from the appropriate implementation at the Shpack Site of the Preferred Alternative.² These benefits are substantial and include the following:

- The Site, as remediated, will be protective of both human health and the environment.
- The Preferred Alternative is the most reliable from an implementability perspective, has the fewest short-term negative impacts on both the community and on-site workers and can be accomplished in the shortest period of time.

¹ Presently the Shpack Steering Committee consists of Texas Instruments Incorporated, ConocoPhillips, Keewanee Industries, Inc., and Swank, Inc.. The signatories to the ACO not included in this response are Handy & Harman, Inc. and Waste Management, Inc.

² This remedy could be implemented either by potentially responsible parties under the terms of a Remedial Design/Remedial Action Consent Decree or by EPA, as the remedial lead.

SDMS DocID 000213815



- As an integral element of the remedy, the Site can be enhanced ecologically through both careful wetland restoration and the planting of a native New England wildflower meadow on the soil cap. Such meadows are currently scarce in New England and provide much needed habitat for birds, butterflies and other creatures, a number of which are rare or endangered. Combining an upland meadow habitat with the adjacent wetlands offers even greater wildlife benefits.
- In addition to planting the meadow, there can be wildlife enhancements designed into the remedy such as bird nesting boxes, turtle nesting areas, perches for raptors and strategically located brush piles for shelter.
- Such an ecologically enhanced site will offer a community resource that is far more valuable than a site for housing or agricultural uses. This is the case because a network of nature trails and boardwalks for the benefit of the Community can be constructed as part of the remedy implementation, together with educational and interpretative signage, so that members of the community may enjoy recreation in a unique natural setting. While housing and agricultural uses are more readily available, such native meadow/wetland habitat is a scarce recreational resource.³
- Funding can also be made available to sponsor nature interpretation and environmental education programming on the Site in conjunction with environmental organizations (e.g., Massachusetts Audubon) and the local schools.
- The continuing integrity of the cap, the ecological enhancements and the educational programming can be secured through a funded remedial trust.

The above benefits are not theoretical. Such a native New England wildflower meadow, together with associated wildlife enhancements, has been successfully implemented at the ReSolve, Inc. Superfund Site in North Dartmouth, Massachusetts (Exhibit A). Moreover, the Wildlife Habitat Council (WHC) of Silver Spring, Maryland, a non-profit organization which encourages and helps to design and integrate ecological/wildlife enhancements into Superfund remediation projects, has successfully assisted in the incorporation of such enhancements into several major landfill remediation projects (Exhibit B).

Thus, not only does the Preferred Alternative best satisfy EPA's own remedy selection criteria as highlighted in the Proposed Plan and this comment letter, but it offers the

³ This type of recreational resource is becoming ever more important in the face of development "sprawl", and it is consistent with the salutary planning objective of locating parks in natural settings which are convenient to user population concentrations such as Attleboro. Also, less desirable uses such as landfills were historically located near the borders of communities. A recreational and educational resource situated on the former Shpack Landfill would reverse this unfortunate precedent by instead siting a valuable community asset at the common boundary of Attleboro and Norton.

community the shortest remedial time frame, with the fewest implementation risks and very significant accompanying community benefits.

NATIONAL CONTINGENCY PLAN'S NINE REMEDY EVALUATION CRITERIA

This section sets forth the nine remedy selection criteria used by EPA pursuant to the National Contingency Plan ("NCP") to select the remedy for the Shpack Site and summarizes the facts that provide compelling support for EPA's selection of Alternative SC-2B.

1. Overall Protection of Human Health and the Environment

In the Proposed Plan, Alternatives SC-2B and SC-3B are both stated to be protective of human health and the environment. However, EPA has established a long-standing, nationwide precedent for preferring consolidation of landfill materials and placement of landfill caps at Superfund Landfill Sites such as Shpack. Specifically, EPA's own regulations at 40 CFR 300.430 (a)(1)(iii)(B) of the NCP state that "EPA expects to use engineering controls, such as containment, for waste that poses a relatively low long-term threat...". Further EPA's *Presumptive Remedy for CERCLA Municipal Landfill Sites* guidance (September 1993, EPA 540-F-93-035)⁴ recommends that containment (i.e., capping) be used at landfill sites such as Shpack that pose 'a relatively low long-term threat' with 'a heterogeneous mixture of municipal waste frequently co-disposed with industrial and/or hazardous waste'. Consistent with its regulations and Presumptive Remedy guidance, for over twenty years, EPA has approved the use of landfill caps at Superfund Sites throughout the country as evidenced by the following:

- Table 1 includes the results of a search of the EPA Records of Decision (ROD) database identifying 149 Superfund Landfill Sites around the country where landfill caps have been implemented as part of the selected remedy.

⁴ As stated in this Presumptive Remedy guidance document at page 1:

Presumptive remedies are preferred technologies for common categories of sites, based on historical patterns of remedy selection and EPA's scientific and engineering evaluation of performance data on technology implementation. The objective of the presumptive remedy initiative is to use the program's past experience to streamline site investigation and speed up selection of cleanup actions. Over time presumptive remedies are expected to ensure consistency in remedy selection and reduce the cost and time required to clean up similar types of sites. **Presumptive remedies are expected to be used at all appropriate sites except under unusual site-specific circumstances.** (emphasis supplied).

It must be emphasized that, following the excavation of the Principal Threat wastes, including the PCBs, dioxins and radiological materials, as called for by Alternative SC-2B, there are no unusual site-specific circumstances affecting the Shpack Site which would distinguish it from the other Superfund Landfill Sites at which the presumptive containment remedies have been implemented.

- Table 2 includes the results of a search of the EPA ROD Region I Database identifying 50 Superfund Landfill Sites in New England where caps have been implemented as part of the selected remedy.
- Table 3 includes a sample selection of Superfund Sites having contaminants similar to the Shpack Site that have been capped in all areas of the country.

It is important to note that Alternative SC-2B goes beyond capping by including excavation of Principal Threat wastes (i.e., PCBs, dioxin and radiological material). Alternative SC-2B thus thoroughly addresses both the health and environmental risks at the Site.

2. Compliance with ARARs

As the Proposed Plan notes, both Alternatives SC-2B and SC-3B are compliant with Applicable or Relevant and Appropriate Requirements (ARARs). However, Alternative SC-2B best comports with published EPA guidance and related documents supporting the effective implementation of ARARs, including:

- *Presumptive Remedy for CERCLA Municipal Landfill Sites* (September 1993, EPA 540-F-93-035) – As discussed above, this guidance establishes capping as EPA's preferred alternative for Low Level Threat wastes at Superfund Landfill Sites such as the Shpack Site.
- *Reuse of CERCLA Landfill and Containment Sites* (September 1999, EPA 540-F-99-015) – This fact sheet describes the implementation of EPA's Superfund Redevelopment Initiative at Superfund Landfill Sites. This initiative focuses on finding productive uses for Superfund Sites following remedy implementation. As discussed above, once the cap is complete, the Shpack Site may be beneficially reused consistent with the goals of the Superfund Redevelopment Initiative. For example, at page 3 of this document, it is observed that:

The historical practice of siting landfills in remote areas often allows all or part of a landfill site to be used for future ecological use. Wildlife enhancement areas and wetlands provide green space and habitat for indigenous species, and often serve as a cost-effective and design-friendly means of returning landfills to beneficial use.

- *The Role of Cost in the Superfund Remedy Selection Process* (September 1996, EPA 540-F-96-018) – This fact sheet outlines the CERCLA and NCP requirement that every remedy selected “must be cost-effective” (emphasis in the original). As documented at 40 CFR 300.430(f)(1)(ii)(D), a selected remedy is considered cost effective if its ‘costs are proportional to its overall effectiveness’. Alternative SC-2B has the distinct advantages of offering greater net risk reduction benefits

(see the discussion below) and comporting with EPA's Presumptive Remedy guidance, while Alternative SC-3B, lacks these advantages and is disproportionately (almost twice the cost) expensive. Thus, Alternative SC-2B must be selected in order to comply with CERCLA, the NCP and applicable guidance.

3. *Long-Term Effectiveness and Permanence*

Alternative SC-2B provides long-term effectiveness and permanence. We fully concur with EPA's statement that landfill capping is a proven technology for effectively eliminating exposure to chemical waste material over the long-term. Moreover, such long-term performance can be even further assured through the beneficial site reuse approach discussed at the outset of these comments. This is the case, because the creation of a native New England wildflower meadow and wildlife habitat area, which, as previously noted, can be maintained and supervised by a fully funded remedial Trust, will help assure that the Shpack Site does not become an unsupervised "orphan". Instead, institutional and engineering controls would continue to be monitored and enforced by such a funded entity. Moreover, the communities themselves will have a positive stake in the future of the Shpack Site since it will be a public recreational and educational asset. In this connection, the Steering Committee understands that the community is concerned about the possible installation of a chain-link fence surrounding the property, as it will limit access for recreational activities such as nature walks, bird watching, etc. Given the objective of transforming the Site into an attractive and useful recreational and educational resource for the community, it most certainly will not be fenced off so as to be inaccessible. Rather, the selected Alternative SC-2B remedy can incorporate the installation of a rock wall or a post and beam fence (see Exhibit B) that would be aesthetically appealing and would allow for pedestrian access, while preventing access by off-road vehicles.

4. *Reduction of Toxicity, Mobility or Volume Through Treatment*

As stated in the Proposed Plan, both Alternatives SC-2B and SC-3B achieve reduction of toxicity, mobility or volume, although not through treatment. Specifically Alternative SC-2B addresses Principal Threat waste at Shpack through excavation of radiological, PCB and dioxin material. In addition, the placement of a landfill cap under Alternative SC-2B ensures that any residual Low Level Threat waste is secured safely beneath a cap so as to eliminate any exposure pathway to community residents. In contrast, Alternative SC-3B will leave residual impacted material below Preliminary Remediation Goals (PRGs) in soil at the Shpack Site without the benefit of a cap. As a consequence, such residual material could be mobilized in the future or accessed by community residents. Moreover, while the uncapped residual material left under Alternative SC-3B may not in and of itself at this time be deemed to be a threat to public health or the environment, our collective understanding of risk changes over time, as do the regulations designed to protect human health and the environment. Thus, it is possible that contaminant levels

not considered to pose an unacceptable risk today could be deemed too risky in the future, thus impairing both the protectiveness and permanence of Alternative SC-3B. Finally, the presence of impacted source material present in the portions of the ALI Landfill adjacent to the Shpack Site could recontaminate materials that are left uncapped under Alternative SC-3B. Thus, the cap provided by Alternative SC-2B is likely to offer greater long-term protection than that associated with Alternative SC-3B.

5. *Short-Term Effectiveness*

Alternative SC-2B would be implemented in the shortest time frame and have the least impact on the community. Specifically, Alternative SC-3B requires excavation and management of 24,000 cubic yards (yd³) more contaminated soil than Alternative SC-2B. Therefore, if Alternative SC-3B were to be implemented, it would require approximately 2,000 more truck trips to transport contaminated soil out of the local community, and an additional 2,000 truck trips to import clean fill to the Site. Due to the potential for cross contamination, it is not practical to utilize the same truck to bring in clean fill that is used to transport contaminated material away from the Site. As shown on Figure 1, a likely truck route along Route 140 to access the Shpack Site will bring these 4,000 trucks, approximately one-half of which will be hauling contaminated material, past four schools. In addition, the significantly greater quantities of materials to be excavated as part of Alternative SC-3B would increase the potential for dust and/or volatile emissions during remedy implementation, thereby increasing the risks to the community. This increased risk is unwarranted given the fact that Alternative SC-2B is both protective and ARAR compliant.⁵ Indeed, this very issue was addressed in the landmark case of U.S. v. Hardage, 750 F. Supp. 1460 (D. Okla. 1990) (see discussion below) where a Court rejected a proposed excavation remedy, in favor of a containment remedy, since the excavation remedy presented "unacceptable risks to workers, to nearby residents, and to the environment".

The same concerns with an extensive excavation-based remedy that were expressed by the Court in the Hardage case were also articulated by EPA New England in evaluating the short-term effectiveness and implementability of the alternative remedies considered for Operable Unit 1 of the Raymark Industries, Inc. Superfund Site in Stratford, Connecticut. This was an EPA remedial lead site where, as with the Shpack Site, an excavation remedy (coincidentally identified as Alternative SC-3) was compared with a capping remedy (identified as Alternative SC-2). In its Record of Decision for the Raymark Site, EPA selected the capping remedy stating:

The use of appropriate engineering controls and personal protective equipment is expected to minimize adverse impacts to the community and workers, respectively. Earth moving activities (consolidation and

⁵ These types of "severe effects across environmental media" are cited in applicable guidance as a situation where containment may be used even to redress Principal Threats, let alone the Low Level Threats for which containment is proposed by Alternative SC-2B. *Rules of Thumb for Superfund Remedy Selection* (August 1997, EPA 540-R-97-013).

backfilling) associated with Alternative SC-2 are expected to generate some limited amounts of fugitive dust and vapor-phase VOCs, but would be easily managed through engineering controls (such as wetting or use of dust suppressants). Alternative SC-3 [excavation and off-site disposal] would likely result in greater short-term impacts (e.g., generation of increased dust and vehicular traffic) than SC-2 because of the excavation, handling, and off-site transport of 21,000 cubic yards of highly contaminated material contemplated under SC-3. Alternatives SC-4 and SC-5 would involve much more excavation and materials handling and would likely result in much greater fugitive dust and vapor-phase VOCs generation than Alternatives SC-2 and SC-3. **The control of fugitive dust and/or vapor-phase VOCs for Alternatives SC-3 through SC-5 through common practices such as wetting or use of dust suppressants becomes increasing more difficult as more contaminated materials are excavated. This would result in added risks to workers and nearby residents.** (emphasis supplied). Raymark Industries, Inc. Operable Unit 1 Record of Decision, July 13, 1995 at pages 28-29.

Certain Stratford, Connecticut community members urged implementation of the excavation remedy for the Raymark Site to which EPA responded in its Responsiveness Summary as follows:

EPA prefers Alternative No. 2, capping, since it offers the best combination of protecting human health in the short and long-term, can be completed within a relatively short time period, is economically feasible and implementable, and would result in less disturbance of highly contaminated material and possible threats to nearby individuals during implementation of the remedy. The excavation and off-site disposal may create more problems than may be solved. Capping is a permanent solution provided that there is periodic maintenance and it affords a level of long-term protection appropriate to the future re-use of the property. Id. Responsiveness Summary at page 22.

Notably, the excavation remedy (SC-3) rejected at the Raymark Site involved the off-site disposal of only 21,000 cubic yards, whereas the excavation contemplated by Shpack Alternative SC-3 would involve the off-site disposal of over 24,000 additional cubic yards.

Finally, it is also to be noted that the selection of Alternative SC-3B would trigger review by EPA's National Remedy Review Board. In accordance with EPA policy, this review is required because Alternative SC-3B is estimated to cost (a) more than \$30 million or (b) more than \$10 million and 50% greater than the cost of the least costly, protective, ARAR-compliant alternative (i.e., Alternative SC-2B). This remedy review process could further delay the implementation of a protective remedy at the Shpack Site.

6. *Implementability*

As described in the Proposed Plan, Alternatives SC-2B and SC-3B are both potentially implementable at the Shpack Site. However, Alternative SC-3B poses the multiple implementability challenges and risks detailed above under "Short-Term Effectiveness", including those risks cited by EPA in its Raymark Industries, Inc. Superfund Site Operable Unit 1 Record of Decision. In addition, Alternative SC-3B would pose significant structural engineering challenges in order to manage the excavation of impacted material adjacent to the towering Attleboro Landfill, Inc. (ALI) landfill which borders (and forms part of) the Shpack Site. Finally, from an implementability perspective, Alternative SC-2B is consistent with EPA's nation-wide implementation of containment remedies at Superfund Landfill Sites.

7. *Cost*

As described in EPA's Proposed Plan, the cost for Alternative SC-3B is almost twice that of Alternative SC-2B. This additional \$27,000,000 cost associated with Alternative SC-3B is in fact grossly disproportionate to the risk reduction, if any, achieved by implementing this far more costly excavation alternative. Indeed, given the short-term effectiveness and implementability concerns detailed above, it would appear that Alternative SC-3B in fact will achieve less net risk reduction than Alternative SC-2B. Furthermore, given the scope of this project, the potential for cost overruns and implementation delays would be far greater during the implementation of Alternative SC-3B than it would be during the implementation of Alternative SC-2B, thereby further increasing the already disproportionate cost differential between the two remedial alternatives.

8. *State Acceptance*

As documented in EPA's Proposed Plan, the Massachusetts Department of Environmental Protection (MA DEP) has reviewed and approved of the preferred cleanup Alternative SC-2B.

9. *Community Acceptance*

The PRP Group recognizes that certain members of the community are opposed to the Preferred Alternative as documented in the Proposed Plan. However, as with the Raymark Site described above, it appears that such opposition is an inevitable part of the process. Moreover, the statements made by certain commenters to the effect that Alternative SC-2B is not protective and will leave the community with a toxic wasteland are simply not accurate. First, as discussed above, capping is EPA's established presumptive remedy for Superfund Landfill Sites, and it is both protective and widely used. Moreover, as is highlighted in these comments, Alternative SC-2B can be implemented so as to result in the post-remediation Shpack Site being available to the community as a valuable recreational and educational asset as opposed to a fenced

wasteland. Indeed, the restoration of the impacted wetlands and the installation of a native New England wildflower meadow, together with associated wildlife enhancements, would be fully consistent with the Superfund Redevelopment Initiative's objective of returning contaminated sites to beneficial reuse.

Special Note Regarding the Waterline

In the Proposed Plan, it is stated that a waterline will be provided to two adjacent residents. As we have discussed, if the two residences in question continue to use water supply wells, then such a waterline would be necessary. However, if both of the adjacent properties were made subject to restrictions prohibiting the use of groundwater, then in such event the waterline would not be necessary. We respectfully request that EPA provide appropriate flexibility in its Record of Decision so that such restrictions against the use of groundwater or other means of eliminating the groundwater exposure pathway, if duly implemented, could be substituted for the construction of the waterline, since they would eliminate the very risk that the waterline is designed to address.

CONCLUSIONS

In conclusion, as discussed above, this is not the first time that the benefits of a "containment" or capping remedy have been demonstrated to outweigh the risks and shortcomings associated with a large-scale "excavation" remedy such as the one proposed by Alternative SC-3B. In the seminal CERCLA case in which a court was forced to evaluate remedial alternatives, U.S. v. Hardage, 750 F.Supp. 1460 (D.Okla. 1990), the U.S. District Court found that the containment remedy proposed by the potentially responsible parties was "markedly superior" to the excavation remedy proposed by EPA. 750 F.Supp. at 1463. The Court rendered this decision after carefully considering the testimony of 45 trial witnesses, inspecting more than 470 exhibits, and examining more than 8,000 pages of affidavits and deposition transcripts and 250 pages of stipulations - all told, a record "totaling more than 150,000 pages." Id. The record compiled in Hardage led the Court to conclude that the proposed excavation remedy clearly "would result in more contaminants being released through vapor and dust emissions than will be released during construction" of the cap which, in turn, meant that the excavation remedy would present "unacceptable risks to workers, to nearby residents, and to the environment." Moreover, the Hardage Court found that the proposed landfill excavation remedy relied on "approaches that are not cost-effective and that are otherwise inappropriate," and did not satisfy the "standards for remedies that must protect the public health and welfare and the environment." Id. at 1480-82. The Court further recognized that all the risk and cost associated with the excavation remedy would be for naught, because the Hardage site (like the Shpack Site) could "never be returned to its prewaste disposal condition under any remedy." Id. at 1477.

Fortunately, the lessons learned through the lengthy litigation that led to the Hardage decision need not be learned again here. The proposed Shpack remedy selected by EPA, Alternative SC-2B, like the containment remedy selected by the court in Hardage,

addresses "in a comprehensive way management of the wastes present" at the Shpack Site. *Id.* at 1484. It does so by, among other things, removing both the radiological and chemical waste that poses a high-level threat; consolidating, containing and capping the low-level threat waste that will remain on-site; and restoring previously impacted wetlands to their natural state.

Moreover, Alternative SC-2B is even more beneficial to the local community than was the court-ordered remedy in *Hardage*. Unlike the *Hardage* site remedy, which the Court admitted would not "make the site suitable for use by animals or humans in the foreseeable future," Alternative SC-2B promises to create valuable amenities for the residents of Norton and nearby towns, including a native New England wildflower meadow and wildlife habitat, footpaths and other passive recreational resources, nature interpretation and outdoor educational opportunities, and open space.

For all of the foregoing reasons, the Shpack PRP Group fully supports Alternative SC-2B, the remedial alternative selected by the EPA.

Sincerely,

Francis J. Vcale, Jr. 

Chairman
Shpack Steering Committee

cc: Shpack Steering Committee Members

References

Proposed Plan Shpack Landfill Superfund Site, Norton, MA United States Environmental Protection Agency, June 2004;

A Guide to Principal Threat and Low Level Threat Wastes, USEPA November 1991, Publication No. 9380.3-06FS;

Presumptive Remedy for CERCLA Municipal Landfill Sites, USEPA, September 1993, Directive No. 9355.0-49FS (EPA-540-F-93-035);

Reuse of CERCLA Landfill and Containment Sites, USEPA, September 1999, OSWER 9375.3-05P (EPA 540-F-99-015);

Landfill Presumptive Remedy Saves Time and Cost, USEPA, January 1997, Directive No. 9355.0-661 (EPA 540/F-96/017);

The Role of Cost in the Superfund Remedy Selection Process, USEPA, September 1996, Publication No. 9200.3-23FS (EPA 540-F-96-018);

A Guide To Selecting Superfund Remedial Actions, USEPA, April 1990, Directive No. 9355.0-27FS; and

Rules of Thumb for Superfund Remedy Selection, USEPA, OSWER, August 1997, Directive No. 9355.0-69 (EPA 540-R-97-013).

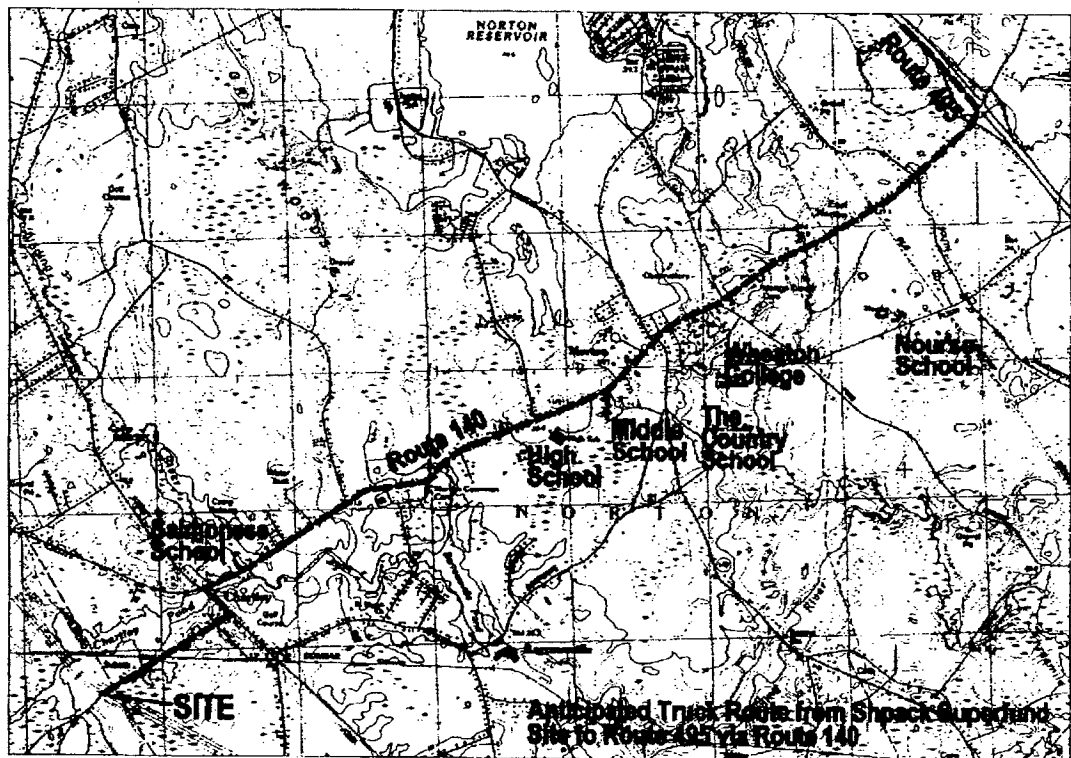
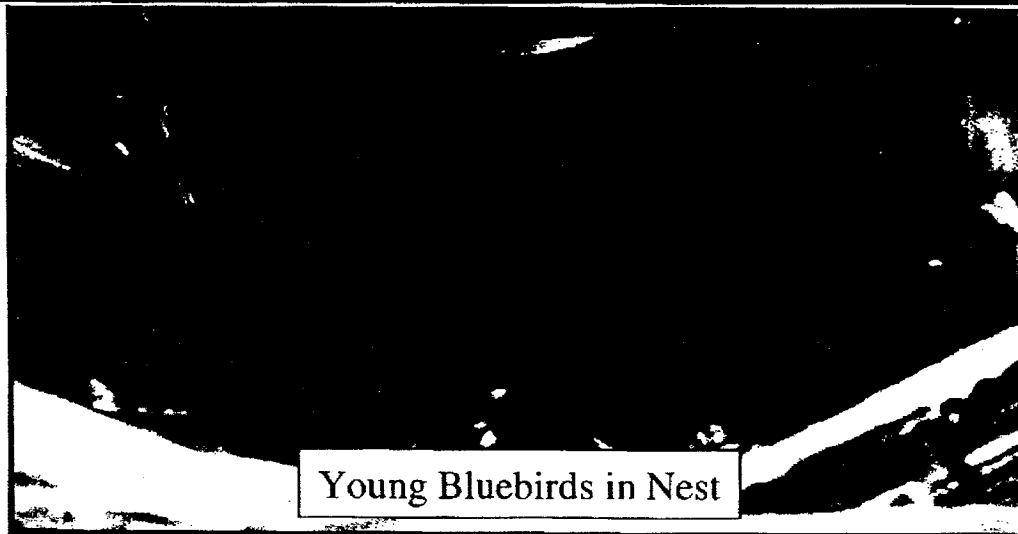
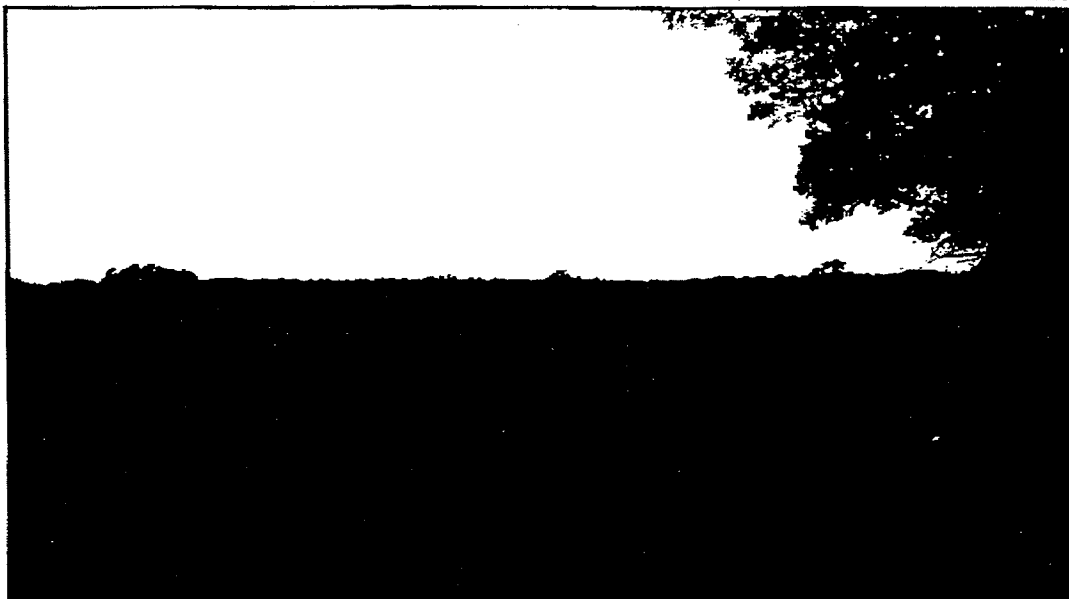


Figure 1 – Potential Truck Route for Contaminated Material

Exhibits



Young Bluebirds in Nest

Originals in color.

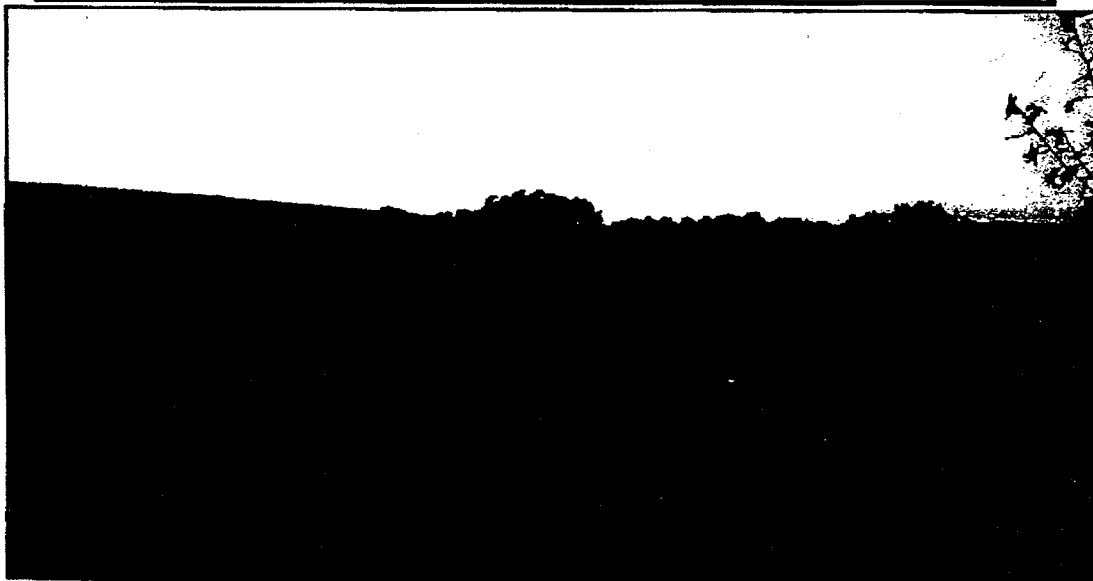
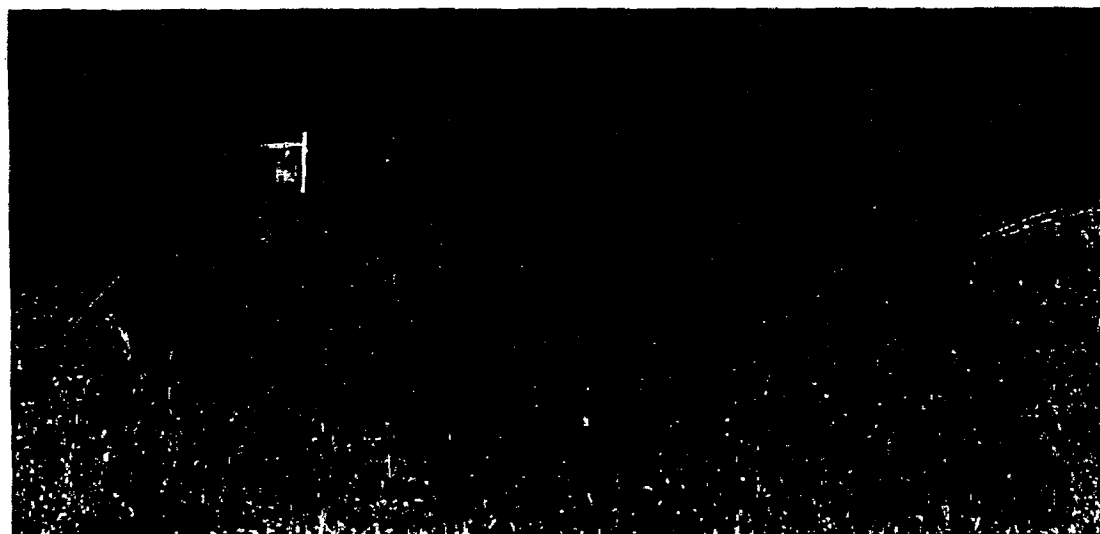
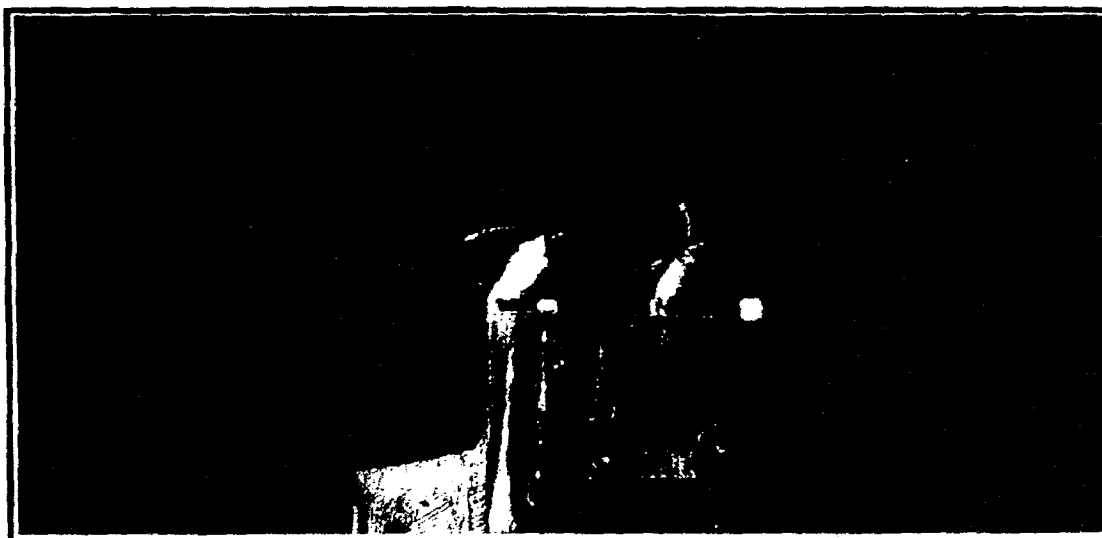
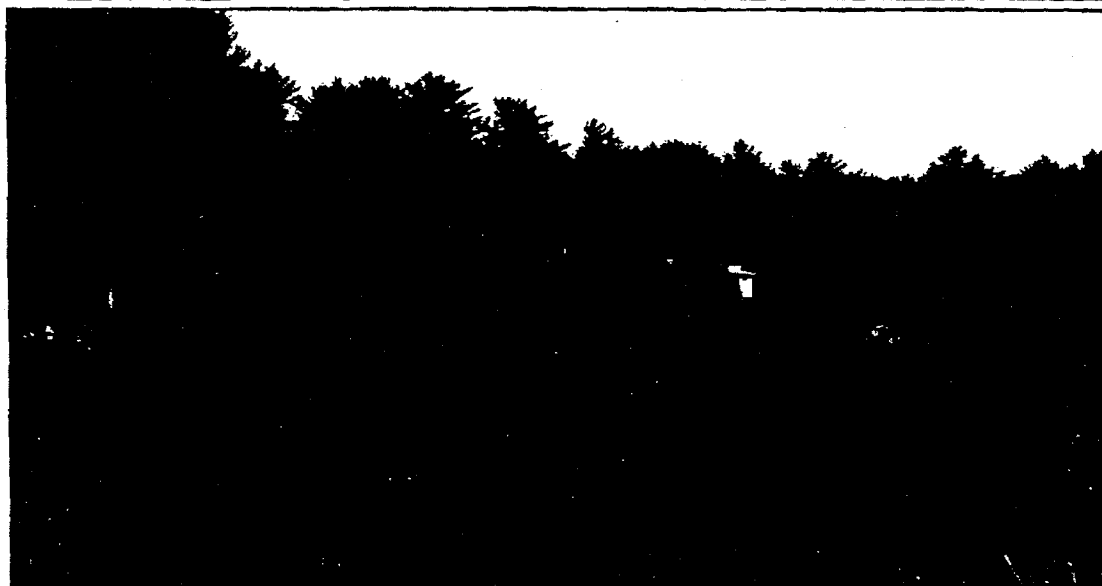


Exhibit B – Bridgestone Superfund Site, Cecil County, MD

Originals in color.



Originals in color.

Exhibit A – ReSolve, Inc. Superfund Site – North Dartmouth, MA

Originals in color.

**Table 2 - Summary of Region I (New England) Superfund Landfills
USEPA Superfund Information Systems - Region I**

Site Name	State	Site Type	City
PARKER SANITARY LANDFILL	VT	NPL	Lyndonville
HAVERHILL MUNICIPAL LANDFILL	MA	NPL	Haverhill
BENNINGTON MUNICIPAL SANITARY LANDFILL	VT	NPL	Bennington
SUTTON BROOK DISPOSAL AREA	MA	NPL	Tewksbury
IRON HORSE PARK	MA	NPL	North Billerica
TROY MILLS LANDFILL	NH	NPL	Troy
CENTRAL LANDFILL	RI	NPL	Johnston
LAUREL PARK, INC.	CT	NPL	Naugatuck
BEACON HEIGHTS LANDFILL	CT	NPL	Beacon Falls
LANDFILL AND RESOURCE RECOVERY, INC. (L&RR)	RI	NPL	North Smithfield
DAVIS (GSR) LANDFILL	RI	NPL	Glocester and Smithfield
BFI SANITARY LANDFILL	VT	NPL	Rockingham
SOMERSWORTH SANITARY LANDFILL	NH	NPL	Somersworth
OLD SOUTHTON LANDFILL	CT	NPL	Southington
WINTHROP LANDFILL	ME	NPL	Winthrop
CHARLES-GEORGE RECLAMATION TRUST LANDFILL	MA	NPL	Tyngsborough
BARKHAMSTED-NEW HARTFORD LANDFILL	CT	NPL	Barkhamsted
ROSE HILL REGIONAL LANDFILL	RI	NPL	South Kingstown
COAKLEY LANDFILL	NH	NPL	Greenland and North Hampton
SACO MUNICIPAL LANDFILL	ME	NPL	Saco
BURGESS BROTHERS LANDFILL	VT	NPL	Woodford and Bennington
NEW LONDON SUBMARINE BASE	CT	NPL	Groton and Ledyard
DOVER MUNICIPAL LANDFILL	NH	NPL	Dover
AUBURN ROAD LANDFILL	NH	NPL	Londonderry
SCOVILL INDUSTRIAL LANDFILL	CT	NPL	Waterbury
NEWPORT NAVAL EDUCATION/TRAINING CENTER	RI	NPL	Newport, Middletown, Portsmouth, and Jamestown
WEST KINGSTON TOWN DUMP/URI DISPOSAL AREA	RI	NPL	South Kingstown
OLD SPRINGFIELD LANDFILL	VT	NPL	Springfield
POWNAI TANNERY	VT	NPL	North Pownal
PETERSON/PURITAN, INC.	RI	NPL	Cumberland and Lincoln
PORTSMOUTH NAVAL SHIPYARD	ME	NPL	Kittery
BRUNSWICK NAVAL AIR STATION	ME	NPL	Brunswick
DAVISVILLE NAVAL CONSTRUCTION BATTALION CENTER	RI	NPL	North Kingstown
SALEM ACRES	MA	NPL	Salem
SOUTH WEYMOUTH NAVAL AIR STATION	MA	NPL	Weymouth and Abington and Rockland
PEASE AIR FORCE BASE	NH	NPL	Portsmouth, Newington, and Greenland
LORING AIR FORCE BASE	ME	NPL	Limestone
STAMINA MILLS, INC.	RI	NPL	North Smithfield
FORT DEVENS-SUDBURY TRAINING ANNEX	MA	NPL	Sudbury and Maynard and Hudson and Stow
OTIS AIR NATIONAL GUARD BASE/CAMP EDWARDS	MA	NPL	Falmouth and Bourne and Sandwich and Mashpee
FORT DEVENS	MA	NPL	Shirley, Ayer, Lancaster, Harvard
W. R. GRACE & CO., INC.(ACTON PLANT)	MA	NPL	Acton, Concord
HOCOMONCO POND	MA	NPL	Westborough
SULLIVAN'S LEDGE	MA	NPL	New Bedford
HANSCOM FIELD/HANSCOM AIR FORCE BASE	MA	NPL	Bedford, and Concord and Lexington and Lincoln
NYANZA CHEMICAL WASTE DUMP	MA	NPL	Ashland
NUCLEAR METALS	MA	NPL	Concord
FLETCHER'S PAINT WORKS & STORAGE	NH	NPL	Milford
MILTONIA MANAGEMENT INC.(GREENE TANNERY)	NH	BF	Milton
RAYMARK INDUSTRIES	CT	NPL	Stratford

Table 3 - Summary of Nationwide Superfund Landfills with Similar Contaminants

Site name	Town	State	Acres	Contaminants	Selected ROD Remedy
Volney Municipal Landfill	Volney	NY	85	VOCs, metals	Supplemental landfill cap construction
Old Springfield Landfill	Springfield	VT	10	VOC, PCB, PAH	Capping, institutional controls
Osborne Landfill	Pine	PA	15	VOC, PCB, metals	Clay cap, public waterline
Skinner Landfill	West Chester	OH	78	VOC, PCB, pest, metals, dioxins	Consolidation, RCRA Cap
Fresno Municipal Sanitary Landfill	Fresno	CA	145	VOC	Capping, gas and leachate collection
Algoza Landfill	Algoza	WI	13	VOC, metals	New landfill cap
Hunts Disposal Landfill	Racine	WI	35	VOC, PCB, metals	Multi-layer cap, fencing, gas collection
Nineteenth Avenue Landfill	Phoenix	AZ	213	VOC, PCB, pesticide	Clay cap
Purity Oil Sales	Fresno	CA	7	VOC, PCB, metals	RCRA cap
Schmalz Dump	Harrison	WI	0.75	PCB	Low-permeability cap
Tenth Street Dump	Oklahoma City	OK	3.5	PCB, VOC, TPH	Capping (as part of ROD amendment)
Global Sanitary Landfill	Old Bridge	NJ	60	VOC	Landfill cap
Buckeye Reclamation	St. Clairsville	OH	50	Metals, VOC, PAH	Landfill cap
Colesville Municipal Landfill	Colesville	NY	30	VOCs	Landfill cap, public water
Burgess Brothers	Bennington	VT	3	VOC, metals	Landfill cap, SVE
Old Southington Landfill	Southington	CT	11	VOC	Consolidation, Capping
Kohler Company	Kohler	WI	82	VOC, PAH, PCB, metals	Multi-layer cap
Master Disposal Seervice Landfill	Brookfield	WI	26	VOC, metals	Clay cap
Red Oak City Landfill	Red Oak	IA	20	VOC, metals	Landfill cap
Northside Landfill	Spokane	WA	345	VOC	Public Water, landfill cap
Tomah Municipal Sanitary Landfill	Tomah	WI	18	VOC, metals	Multi-barrier cap (under presumptive remedy)
Central Landfill	Johnson	RI	121	VOC, metals	Landfill cap, institutional controls, gas collection
Kentucky Caliber Landfill	Maceo	KY	14	VOC, metals	Landfill cap, leachate collection
Coakley Landfill	Greenland	NH	92	VOC, metals	Consolidation, Landfill cap, gas collection
Modern Sanitation	York	PA	72	VOC	Landfill cap, fencing
Hooker-102nd Street	Niagra Falls	NY	22	VOC, metals, pest, dioxins	Slurry wall, synthetic cap, fencing
Enviro-chem Corporation	Indianapolis	IN	6	VOC, metals	Landfill cap, SVE, GW extraction
Tri-County Landfill	South Elgin	IL	66	VOC, PCB, pest, metals	Impermeable cap, gas collection
Richardson Hill Road Landfill	Sidney Center	NY	8	VOC, PCB	Consolidation, landfill cap, GW treatment
Outboard Marine Corp	Waukegan	IL		PCB	Consolidation, dredging, capping
Oak Grove Sanitary Landfill	Oak Grove	MN	104	VOC, metals	Fencing, multi-layer cap, deed restrictions
Rosen Brothers Scrap Yard	Cortland	NY	20	VOC, metals	Consolidation, capping

Tables

Table 1 - Summary of Superfund Landfills Nationwide
USEPA Superfund Information Systems - Records of Decision

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ABERDEEN PROVING GROUND (EDGEWOOD AREA)	EDGEWOOD	MD
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ADAK NAVAL AIR STATION	ADAK	AK
AIRCO	CALVERT CITY	KY
ALLIED PAPER, INC./PORTAGE CREEK/KALAMAZOO RIVER	KALAMAZOO	MI
ALLIED PAPER, INC./PORTAGE CREEK/KALAMAZOO RIVER	KALAMAZOO	MI
AMOCO CHEMICALS (JOLIET LANDFILL)	JOLIET	IL
ARMY CREEK LANDFILL	NEW CASTLE	DE
AUBURN ROAD LANDFILL	LONDONDERRY	NH
B.F. GOODRICH	CALVERT CITY	KY
BARKHAMSTED-NEW HARTFORD LANDFILL	BARKHAMSTED	CT
BATAVIA LANDFILL	BATAVIA	NY
BEACON HEIGHTS LANDFILL	BEACON FALLS	CT
BERKLEY PRODUCTS CO. DUMP	DENVER	PA
BERKS LANDFILL	SPRING TOWNSHIP	PA
BRANTLEY LANDFILL	ISLAND	KY
BROOKHAVEN NATIONAL LABORATORY (USDOE)	UPTON	NY
CALDWELL TRUCKING CO.	FAIRFIELD	NJ
CAMP PENDLETON MARINE CORPS BASE	CAMP PENDLETON	CA
CASTLE AIR FORCE BASE (6 AREAS)	MERCED	CA
CENTRAL LANDFILL	JOHNSTON	RI
CHARLES-GEORGE RECLAMATION TRUST LANDFILL	TYNGSBOROUGH	MA
CITY DISPOSAL CORP. LANDFILL	DUNN	WI
COAKLEY LANDFILL	NORTH HAMPTON	NH
COAL CREEK AKA ROSS ELECTRIC	CHEHALIS	WA
COMBE FILL SOUTH LANDFILL	CHESTER TOWNSHIP	NJ
COSHOCOTON LANDFILL	FRANKLIN TOWNSHIP	OH
DAVISVILLE NAVAL CONSTRUCTION BATTALION CENTER	NORTH KINGSTOWN	RI
DOUGLASS ROAD/UNIROYAL, INC., LANDFILL	MISHAWAKA	IN
DOUGLASS ROAD/UNIROYAL, INC., LANDFILL	MISHAWAKA	IN
DUELL & GARDNER LANDFILL	DALTON TOWNSHIP	MI
E.I. DU PONT DE NEMOURS & CO., INC. (NEWPORT PIGMENT PLANT LANDFILL)	NEWPORT	DE
EASTERN DIVERSIFIED METALS	HOMETOWN	PA
EL TORO MARINE CORPS AIR STATION	EL TORO	CA
ENDICOTT VILLAGE WELL FIELD	VILLAGE OF ENDICOTT	NY
ENVIROCHEM CORP.	ZIONSVILLE	IN
FAIRCHILD AIR FORCE BASE (4 WASTE AREAS)	SPOKANE	WA
FEED MATERIALS PRODUCTION CENTER (USDOE)	FERNALD	OH
FORT DEVENS	FORT DEVENS	MA
FORT DEVENS	FORT DEVENS	MA
FORT DEVENS-SUDBURY TRAINING ANNEX	SUDBURY	MA
FORT DIX (LANDFILL SITE)	PEMBERTON TOWNSHIP	NJ
FORT WAINWRIGHT	FORT WAINWRIGHT	AK
GLOBAL SANITARY LANDFILL	OLD BRIDGE TOWNSHIP	NJ
GLOBAL SANITARY LANDFILL	OLD BRIDGE TOWNSHIP	NJ
GOULD, INC.	PORTLAND	OR
GREEN RIVER DISPOSAL, INC.	MACEO	KY
GRIFFISS AIR FORCE BASE (11 AREAS)	ROME	NY
GRIFFISS AIR FORCE BASE (11 AREAS)	ROME	NY
GRIFFISS AIR FORCE BASE (11 AREAS)	ROME	NY
H.O.D. LANDFILL	ANTIOCH	IL
HANSCOM FIELD/HANSCOM AIR FORCE BASE	BEDFORD	MA
HIPPS ROAD LANDFILL	DUVAL COUNTY	FL
HOCOMONCO POND	WESTBOROUGH	MA
HOKER (102ND STREET)	NIAGARA FALLS	NY
IDAHO NATIONAL ENGINEERING LABORATORY (USDOE)	IDAHO FALLS	ID
INDUSTRIAL EXCESS LANDFILL	UNIONTOWN	OH
ISLIP MUNICIPAL SANITARY LANDFILL	ISLIP	NY
JACKSONVILLE NAVAL AIR STATION	JACKSONVILLE	FL
JANESVILLE ASH BEDS	JANESVILLE	WI
JANESVILLE OLD LANDFILL	JANESVILLE	WI
JOLIET ARMY AMMUNITION PLANT (LOAD-ASSEMBLY-PACKING AREA)	JOLIET	IL

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JOLIET ARMY AMMUNITION PLANT (MANUFACTURING AREA)	JOLIET	IL
JUNCOS LANDFILL	JUNCOS	PR
K&L AVENUE LANDFILL	OSHTIMO TOWNSHIP	MI
K&L AVENUE LANDFILL	OSHTIMO TOWNSHIP	MI
KOHLER CO. LANDFILL	KOHLER	WI
LAKE SANDY JO (M&M LANDFILL)	GARY	IN
LAUREL PARK, INC.	NAUGATUCK BOROUGH	CT
LEE'S LANE LANDFILL	LOUISVILLE	KY
LORING AIR FORCE BASE	LIMESTONE	ME
LORING AIR FORCE BASE	LIMESTONE	ME
LOWRY LANDFILL	AURORA	CO
MARION (BRAGG) DUMP	MARION	IN
MASTER DISPOSAL SERVICE LANDFILL	BROOKFIELD	WI
MATHER AIR FORCE BASE (AC&W DISPOSAL SITE)	MATHER	CA
METAMORA LANDFILL	METAMORA	MI
METAMORA LANDFILL	METAMORA	MI
MICHIGAN DISPOSAL SERVICE (CORK STREET LANDFILL)	KALAMAZOO	MI
MID-SOUTH WOOD PRODUCTS	MENA	AR
MIG/DEWANE LANDFILL	BELVIDERE	IL
MINOT LANDFILL	MINOT	ND
MODERN SANITATION LANDFILL	LOWER WINDSOR TWP	PA
MOFFETT NAVAL AIR STATION	MOFFETT FIELD	CA
MOFFETT NAVAL AIR STATION	MOFFETT FIELD	CA
MOSLEY ROAD SANITARY LANDFILL	OKLAHOMA CITY	OK
N.W. MAUTHE CO., INC.	APPLETON	WI
NAVAL AIR STATION, WHIDBEY ISLAND (AULT FIELD)	WHIDBEY ISLAND	WA
NAVAL AIR STATION, WHIDBEY ISLAND (AULT FIELD)	WHIDBEY ISLAND	WA
NAVAL TRAINING CENTER BAINBRIDGE	BAINBRIDGE	MD
NAVAL WEAPONS STATION EARLE (SITE A)	COLTS NECK	NJ
NEAL'S LANDFILL (BLOOMINGTON)	BLOOMINGTON	IN
NEWPORT NAVAL EDUCATION & TRAINING CENTER	NEWPORT	RI
NIAGARA COUNTY REFUSE	WHEATFIELD	NY
NORFOLK NAVAL BASE (SEWELLS POINT NAVAL COMPLEX)	NORFOLK	VA
NORTH SEA MUNICIPAL LANDFILL	NORTH SEA	NY
NORTHSIDE LANDFILL	SPOKANE	WA
OLD BETHPAGE LANDFILL	OYSTER BAY	NY
OLD NAVY DUMP/MANCHESTER LABORATORY (USEPA/NOAA)	MANCHESTER	WA
OLD SOUTHTON LANDFILL	SOUTHTON	CT
ORDNANCE WORKS DISPOSAL AREAS	MORGANTOWN	WV
ORDNANCE WORKS DISPOSAL AREAS	MORGANTOWN	WV
ORDNANCE WORKS DISPOSAL AREAS	MORGANTOWN	WV
ORDOT LANDFILL	AGANA	GU
OTT/STORY/CORDOVA CHEMICAL CO.	DALTON TOWNSHIP	MI
PAGEL'S PIT	ROCKFORD	IL
PEASE AIR FORCE BASE	PORTSMOUTH/NEWINGTON	NH
PLATTSBURGH AIR FORCE BASE	PLATTSBURGH	NY
PLATTSBURGH AIR FORCE BASE	PLATTSBURGH	NY
PLATTSBURGH AIR FORCE BASE	PLATTSBURGH	NY
PLATTSBURGH AIR FORCE BASE	PLATTSBURGH	NY
PORT HADLOCK DETACHMENT (USNAVY)	INDIAN ISLAND	WA
PORT WASHINGTON LANDFILL	PORT WASHINGTON	NY
RED OAK CITY LANDFILL	RED OAK	IA
RED PENN SANITATION CO. LANDFILL	PEEWEE VALLEY	KY
REFUSE HIDEAWAY LANDFILL	MIDDLETON	WI
RESIN DISPOSAL	JEFFERSON BOROUGH	PA
RIPON CITY LANDFILL	FOND DU LAC COUNTY	WI
ROCKWELL INTERNATIONAL CORP. (ALLEGAN PLANT)	ALLEGAN	MI
ROSE HILL REGIONAL LANDFILL	SOUTH KINGSTOWN	RI
RSR CORPORATION	DALLAS	TX
SANGAMO ELECTRIC DUMP/CRAB ORCHARD NATIONAL WILDLIFE REFUGE	CARTERVILLE	IL
SAUK COUNTY LANDFILL	EXCELSIOR	WI
SINCLAIR REFINERY	WELLSVILLE	NY

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SMITH'S FARM	BROOKS	KY
SMUGGLER MOUNTAIN	ASPEN	CO
SOUTH BRUNSWICK LANDFILL	SOUTH BRUNSWICK	NJ
SPARTA LANDFILL	SPARTA TOWNSHIP	MI
SPICKLER LANDFILL	SPENCER	WI
STRASBURG LANDFILL	NEWLIN TOWNSHIP	PA
SYOSSET LANDFILL	OYSTER BAY	NY
TEX-TIN CORP.	TEXAS CITY	TX
TOMAH MUNICIPAL SANITARY LANDFILL	TOMAH	WI
TULALIP LANDFILL	MARYSVILLE	WA
UNITED SCRAP LEAD CO., INC.	TROY	OH
WALSH LANDFILL	HONEYBROOK TOWNSHIP	PA
WARWICK LANDFILL	WARWICK	NY
WASTE, INC., LANDFILL	MICHIGAN CITY	IN
WAUCONDA SAND & GRAVEL	WAUCONDA	IL
WAYNE WASTE OIL	COLUMBIA CITY	IN
WHITEHOUSE OIL PTIS	WHITEHOUSE	FL
WILDCAT LANDFILL	DOVER	DE
WINDOM DUMP	WINDOM	MN
WOODSTOCK MUNICIPAL LANDFILL	WOODSTOCK	IL
WOODSTOCK MUNICIPAL LANDFILL	WOODSTOCK	IL
WRIGHT-PATTERSON AIR FORCE BASE	DAYTON	OH
WRIGHT-PATTERSON AIR FORCE BASE	DAYTON	OH

<http://cfpub.epa.gov/superfunds/srch.cfm?keys=landfill%20capping&firstTime=Yes&CFID=15360485&CFTOKEN=57469154>

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To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Shpack
4.9

August 2004

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In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

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Signature

Print Name

Karen Bernier

Address

15 Gidony St Westport MA 02890

SDMS DocID 000213823



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Signature _____

Print Name Eric Boyer

Address 112 Federal St

Blackstone MA

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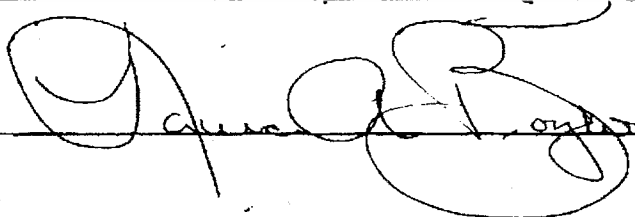
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Signature

Print Name

Address

Blackstone, MA 01504

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Print Name Steven J. Boyle

Address 112 FEDERAL ST.

BLACKSTONE, MA

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Print Name _____

Address _____

198 High Road, Newbury, MA 01951

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Print Name

Kara A. Butters

Address

198 High Road

Newbury, MA 01951

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Print Name

Kevin Carey

Address

1134 Central Ave

Johnston RI 02919

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Print Name

David E. Caron

Address

71R Main Street

Blackstone, MA 01504

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Signature

Print Name

Address

37 Roberts St
Woonsocket RI 02895

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Signature

Print Name

Joslyn Stewart Carter

Address

15 Hillside Ave

Norwood Ma 02062

Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer
U.S. EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114
Deadline - Postmarked By Wednesday, August 25, 2004
FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

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Signature _____

Print Name Linda Clermont

Address 40 W. Wrentham Rd

Cumberland, RI 02814

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
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Signature 

Print Name Richard L. Carver

Address 27 Polly Lane

Wolpoh MA 02081

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Print Name

Address

R.I. 02914

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Print Name _____

Address _____

Kathryn Danello

15 Oxbow Drive

Franklin MA 02038

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Print Name _____

Deborah Danello

Address _____

15 Oxbow Drive

Franklin, MA 02038

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Print Name _____

Rachel Danello

Address _____

15 Oxbow Drive

Franklin MA 02038

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Print Name _____

Ashlee Danello

Address _____

15 Oxbow Drive

Franklin MA 02038

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Paul Danello

Address _____

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Franklin MA 02038

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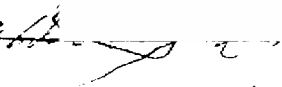
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Print Name

MADILSON F DASILVA

Address

116 E School St. floor 1

Woonsocket, RI 02895

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Print Name

FERNANDO R. DE AGRELA

Address

1 EAST HOGES STR.

NORTON MASS. 02766

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Robert Diestel

Address

82 South Worcester St

Norton, MA 02766

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Address

35 Chestnut Hill Rd

Chepachet, RI 02814

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U

Print Name

STEVEN P. Duxbury

Address

34 Richardson Ave

NORTON, MA 02766

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Kennith Elliott

Address

13 Bellwood Circle

Bellingham MA 02019

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Jeremy Emmons

Address

30 Duval Ave., Apt 1R

Woonsocket, RI 02895

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Print Name

JOSE FERNANDES

Address

79 MAN'S FIELD AVE

NORTON MASS 02766

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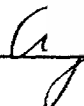
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Print Name

ALGERINA D. FERNANDES

Address

79 MANFIELD AVE.

NORTON, MA. 02766

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JOYCE L. FERNANDES

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Print Name Melissa Fowler

Address 100 Kingman St.

East Taunton, MA 02718

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Print Name

Clare D. Fowler

Address

100 Kingman Street

East Taunton, MA 02718-1408

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Print Name Edward F. Fowler, Jr.

Address 100 Kingman Street

E. TAUNTON, MASS. 02718

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Print Name

Angela C. Fowler

Address

100 Kingman St.

E. Taunton, MA 02718

Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Artleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

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Signature

Print Name

Address

Jennifer L. Fowler
100 Kingman Street
E. Taunton, MA 02718-1408

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Signature

U

Print Name

ELLEN GRAF

Address

P O Box 306

AUGUSTA, ME 04332

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SHAUN HILL

Address

13 Lockwood Dr

Franklin, MA 02038

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Print Name

Judith Howard

Address

56 Highland St.

Wolpole, MA 02081

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CAROL A. INSTASI

Address

14 James St., Norton, MA 02766

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Print Name

Michael Joughin

Address

25 Brae Road

Quincy, Ma 02169

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43 Borden St
Whitinsville MA 01588

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Print Name _____

Wendy Koffinkee

Address _____

114 Bellwood Circle

Bellingham, MA 02019

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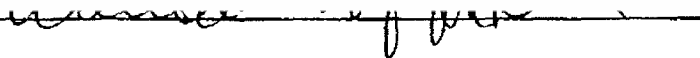
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William Koffinkee

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14 Bellwood Circle

Bellingham MA 02019

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Address

157 Thurston St.

Wrentham MA 02093

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Lore Lellier

Address _____

100 Steve St.

Attleboro, MA 02703

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Nicholas Landry

Address _____

20 Roberts Street

Woonsocket, RI 02895

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Daniel E Leonard Jr

Address

335 Prospect St

Stoughton, MA 02072

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RENE MARCOTE

Address _____

44 Ironstone St

Millville, MA

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Print Name STUPEA MASSA

Address 24 CADBURN ST.

E. PROVIDENCE, RI 02914

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Carlos Medina

Address

127 Burnside Ave Apt #5

Woonsocket, RI 02895

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Address

Lisa A. Nelson

117 Maple St.

Norton MA 01766

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Maria O'Reilly

77 Maple St

Norton, MA 02766

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Gillian Pavia

Address _____

263 Partridge St

Franklin MA 02038

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Signature S

Print Name Stewart S Pollock

Address 40 W. Wrentham Rd #3

Cumberland, RI 02864

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Print Name Brittany J. Rinehart

Address 126 11th St. SE Vero Beach FL

139 South Main St/Norfolk Ma

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Address _____

✓
Corey Roe

13 Bellwood Circle

Bellingham, MA 02019

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95 E greenwich Ave.
West Warwick RI 02893

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To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

August 2004

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Signature _____

Print Name

BRIAN S. RUTHER

Address

95 E. GREENWICH AVE

N. WARWICK R.I. 02893

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Print Name

JOHN SALVO

Address

26 NEWCOMB STREET

NORTON, MA. 02766

N. Attleboro, MA 02760

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Susan M. Wilson Scott

Address _____

3101 State Rt. 11 B

Malone, N.Y. 12953

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Norton, Ma 02766

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Print Name

Address

Sarah Sinclair

6 Judy Circle Franklin, MA 02038

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Donald E Sinclair Jr.

Address _____

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Franklin MA. 02038

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Print Name Alex Sinclair

Address 389 Main St.

Nashua, NH 03060

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Print Name Patricia W. Sinclair

Address 50 Forest Ave Norton ma, 01760

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Chad Sinclair

Print Name

Chad Sinclair

Address

3 Heidi Ln

Natick, MA 01760

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Winela D. Sinclair

Address

8 Walcott St

Natick, MA 01760-5833

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Address

Kenneth Sinclair

389 MAIN ST

NASHUA, NH 03060

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Print Name

ROBERT C. SINCLAIR

Address

145 Providence Hwy

Westwood MA 02090

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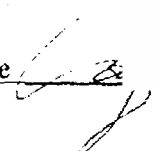
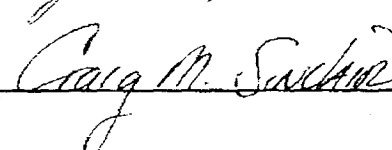
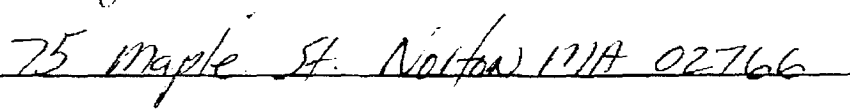
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Westwood MA 02090

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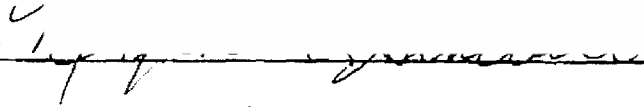
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Print Name

Megan Sinclair

Address

85 Brae Road

Quincy, Ma 02169

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20 WALCOTT ST.
NATICK, MA. 01760

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90 Maple Drive

Harrisville, RI 02830

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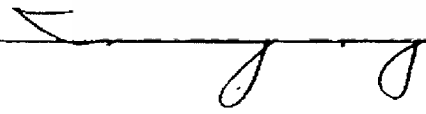
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Print Name

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Trudy Singer
82 Tracy Dr.
Vernon, CT. 06066

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Signature

Print Name

DYANNE SPATCHER

Address

959 PLEASANT ST. (Located in close proximity to the Shpack site)

ATTLEBORO MA 02703

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Signature _____

Print Name

ED STONE

Address

50 BELLINGHAM RD MA

Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

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Signature 

Print Name

Christopher Stone

Address

24 Carriington Ave

Blackstone MA

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Signature _____

Print Name _____

Erika Stone

Address _____

13 Bullwood Circle

Bellingham, MA 02019

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U.S. EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114
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Print Name

Print Name Marybeth Tayes

Address

Address 43 Border St.
Whitinsville Ma 01588

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U

Print Name _____

DONNA J. TRONER

Address _____

124 11th St. S.E.

Vero Beach, FL. 32962

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Print Name _____

Dianne L. Rinehart

Address _____

126 17th St SE

Vero Beach, FL 32962

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Signature

Anthony Trovler

Print Name

Anthony Trovler

Address

73 Rocco Dr

Blackstone MA 01504

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Signature

Print Name

Address

51 Longwood Rd.

Quincy, MA. 02169

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Signature _____

Print Name DINA A. WARCHAL

Address 366 RESERVOIR ST.

NORTON MA 02766

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Signature _____

Print Name _____

Keith Weiby

Address _____

268 Partridge St

Franklin MA 02038

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Dawn Welby

Address _____

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Franklin MA 02038

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Signature

[Handwritten signature]

Print Name

Gillian Welby

Address

13 Bellwood Circle

Bellingham, MA 02019

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Print Name

Address

48 Blaisdell Dr / 73 Maple St

Northwood, NH

03261

Norton, MA 02766

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Print Name

DANIEL WHYNOT

Address

73 MAPLE ST.

NORTON MA. 02766

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Address

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DONIA WhyNot

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Norton MA 02766*

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Northwood, NH 03261 / Norton, Mass 02766

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DANIEL A. WEBBER

Address

34 Richardson Ave

NORTON MA 02766

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Signature

Print Name

Address

15 Gaday St Weymouth MA 02790

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Signature

Print Name

Address

3 Seitz Lane
Cos Cob, CT 06807

FROM : GRAF

PHONE NO. : 15082262835

Aug. 05 2004 11:53PM P1

HEATHER A. GRAF, COORDINATOR
CAST
CITIZENS ADVISORY SHPACK TEAM
229 N. Worcester St.
Norton, MA 02766
FAX (508) 226 - 2835
Phone (508) 226 - 0898

SHPACK
4.9

FAX

TO: Dave Federer
US EPA

FAX: 617-918-0325

PAGES 5 2 pages

PHONE:

DATE: 8/6/04

RE: SHPACK TOXIC WASTE DUMP, SUPERFUND SITE
NORTON/ATLEBORO, MA

☒ Urgent

☒ For Review

☐ Please Reply

If FAX Is Not Received In Its Entirety, Please Contact Sender.

• COMMENTS:

Second Comment Paper.
First Dated July 14, 2004 -
Position Paper for CAST (4 pgs.)
This one dated Aug. 4, 2004 (4 pgs.)
has been revised since my
oral testimony at the
Public Hearing.
Hard Copy to follow in Mail.

Heather A. Graf

SDMS DocId 000213824

